

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

The application of SAN DIEGO GAS & ELECTRIC (U 902 E) for approval of servicing agreement between the State of California Department of Water Resources (“DWR”) and SDG&E Company Pursuant to Chapter 4 of the Statutes of 2001 (Assembly Bill 1 of the First 2001-2002 Extraordinary Session).

Application 01-06-039
(Filed June 22, 2001)

**ADMINISTRATIVE LAW JUDGE’S RULING
SHORTENING TIME TO RESPOND TO ANY APPLICATION
FOR REHEARING OF D.02-12-070**

Decision (D.) 02-12-070, the Servicing Order regarding San Diego Gas & Electric Company, was adopted by the Commission at the carry-over meeting of December 19, 2002, and mailed to the parties on December 23, 2002. The decision construed, applied, implemented, and interpreted certain provisions of Assembly Bill 1 of the Legislature’s First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 4) (AB1X).

Senate Bill 31 of the First Extraordinary Session of 2001-2002 (Stats. 2001, Ch. 9) amended Pub. Util. Code § 1731, and added Pub. Util. Code § 1768. Section 1731(c) requires that as a prerequisite for filing a cause of action “in any court,” an application for rehearing of a Commission decision construing, applying, or implementing the provisions of AB1X must be filed within 10 days after the date of issuance of the decision. Accordingly, applications for rehearing of D.02-12-070 are due on January 2, 2003.

Section 1731(c) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue decisions and orders on rehearing of D.02-12-070 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on January 16, 2003.

Under Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing would normally be filed no later than 15 days after the day the application for rehearing is filed. Due to the expedited schedule under Public Utilities Code Section 1731(c), and so the Commission may adequately consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,¹ the time for filing a response to any application for rehearing shall be shortened to January 9, 2003. Accordingly, any party planning to file a response to any application for rehearing that may be filed shall file and serve the response on or before January 9, 2003. Any response shall be served by electronic mail on those parties who have provided an e-mail address, and by first class mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Mary McKenzie (mfm@cpuc.ca.gov).

¹ See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

Therefore, **IT IS RULED** that the time for filing a response to any applications for rehearing of Decision 02-12-070 that may be filed shall be shortened. Any party filing responses to such applications for rehearing shall file the responses on or before January 9, 2003, and shall serve the responses in the manner specified above.

/s/ JOHN S. WONG

John S. Wong
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Shortening Time to Respond to Any Applicationsfor Rehearing of D.02-12-070 on all parties of record in this proceeding or their attorneys of record.

Dated December 23, 2002, at San Francisco, California.

/s/ FANNIE SID
Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.